

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

257.319f Operation of commercial motor vehicle in violation of out-of-state service order; prohibition; suspension; definitions.

Sec. 319f. (1) A person shall not operate a commercial motor vehicle in this state in violation of an out-of-service order.

(2) Except as otherwise provided in this subsection, the secretary of state shall immediately suspend all vehicle group designations on the operator's or chauffeur's license of a person convicted of violating a driver out-of-service or vehicle out-of-service order as follows:

(a) If the violation occurred while the person was transporting nonhazardous material, the vehicle group designations shall be suspended as follows:

(i) Except as provided in subparagraphs (ii) and (iii), suspension for not less than 90 days or more than 1 year.

(ii) If the violation is the person's second violation within a 10-year period, suspension for not less than 1 year or more than 5 years.

(iii) If the violation is the person's third or subsequent violation within a 10-year period, suspension for not less than 3 years or more than 5 years.

(b) If the violation occurred while the person was transporting hazardous materials required to be placarded under 49 CFR parts 100 to 199 or while operating a vehicle designed to transport 16 or more passengers, including the driver, the vehicle group designations shall be suspended as follows:

(i) Except as otherwise provided in subparagraph (ii), suspension for not less than 180 days or more than 2 years.

(ii) For a second or subsequent violation within a 10-year period, suspension for not less than 3 years or more than 5 years.

(3) A person who violates an out-of-service order shall be ordered to pay a civil fine of not less than \$1,100.00 or more than \$2,750.00.

(4) As used in this section:

(a) "Out-of-service order" means a declaration by an authorized enforcement officer that a driver of a commercial motor vehicle as defined in subdivision (b), or a motor carrier operation, is out-of-service pursuant to 49 CFR 386.72, 392.5, 395.13, or 396.9, or the North American uniform out-of-service criteria, or a law or local ordinance of a state, the United States, Canada, Mexico, or a local jurisdiction thereof, substantially corresponding to 49 CFR 386.72, 392.5, 395.13, or 396.9, or the North American uniform out-of-service criteria.

(b) "Commercial motor vehicle" means that term as defined in section 7a and any motor vehicle having a GVWR or GCWR of 10,001 pounds or more.

History: Add. 1996, Act 404, Eff. Dec. 21, 1996;—Am. 2006, Act 298, Imd. Eff. July 20, 2006.